

<b>RAYMOND DRAKE, d.b.a. REDLINE</b>	)	<b>AGBCA Nos. 2000-173-1</b>
<b>ENTERPRISES,</b>	)	<b>2000-178-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
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	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

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April 19, 2001

**Before HOURY, POLLACK, and VERGILIO, Administrative Judges.**

**Opinion for the Board by Administrative Judge HOURY.**

These appeals relate to Contract Nos. 058781 and 058757 between the Forest Service, U. S. Department of Agriculture, and Raymond Drake, d.b.a. Redline Enterprises of Jamestown, California (Appellant). The contracts were special salvage timber sales in the Stanislaus National Forest in California.

Appellant filed separate claims under the contracts on the basis that the Contracting Officer (CO) unduly delayed the award of the contracts, and the start of Appellant's operations, to the next planting season, thereby increasing Appellant's logging costs, the rate Appellant was required to pay for the timber because of escalated prices, and the amount of deterioration (the cull rate) in the timber. The alleged delay was because of a Financial Ability Determination and the processing of the Small Business Administration's Certificates of Competency that Appellant asserted were unnecessary, given Appellant's long history of performing Forest Service timber sales. Bids were opened August 25, 1998, and September 3, 1998, and awards were made October 19, 1998, in both contracts.

The Board conducted conference calls with the parties and had set hearing dates. Because of the pre-contract nature of the alleged actions, the Board raised concerns regarding its jurisdiction citing Coastal Corp. v. United States, 713 F.2d 728 (Fed. Cir. 1983). The Board noted that the awards were made within the 90-day period Appellant was required to keep its bids open for. The Board also noted that the 1-year period for filing suit in the U.S. Court of Federal Claims had not expired. By a notice captioned "Voluntary Dismissal" dated March 25, 2001, Appellant stated "Appellant voluntarily dismisses [its appeals]."

**DECISION**

The appeals are hereby dismissed.

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**EDWARD HOURY**  
Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**  
Administrative Judge

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**JOSEPH A. VERGILIO**  
Administrative Judge

**Issued at Washington, D.C.**  
**April 19, 2001**